

# HOUSE BILL 766

P5

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CF SB 644

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By: Delegates Mizeur, Barkley, Bobo, Carr, Frick, Ivey, Kaiser, Lafferty, Luedtke, McMillan, A. Miller, W. Miller, Pena-Melnyk, Reznik, Ross, Sophocleus, and F. Turner F. Turner, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Ready, Tarrant, and V. Turner

Introduced and read first time: February 10, 2011

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Joint Committee on Transparency and Open Government Act**

3 FOR the purpose of establishing the Joint Committee on Transparency and Open  
4 Government; specifying the membership, chairs, and staff of the Committee;  
5 requiring the Committee to hold meetings under certain circumstances;  
6 authorizing the Committee to hold certain hearings and to consider certain  
7 votes and resolutions; specifying the purposes of the Committee; requiring the  
8 Committee to make certain recommendations, review certain laws, programs,  
9 services, and policies, consult with certain State entities, and perform certain  
10 other duties; requiring the Committee to submit a certain report to the General  
11 Assembly on or before a certain date each year; and generally relating to the  
12 Joint Committee on Transparency and Open Government.

13 BY adding to

14 Article – State Government

15 Section 2–10A–14

16 Annotated Code of Maryland

17 (2009 Replacement Volume and 2010 Supplement)

18 Preamble

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 WHEREAS, An open and transparent government is vital to encourage citizen  
2 participation and input; and

3 WHEREAS, The presiding officers of the Senate of Maryland and the House of  
4 Delegates implemented changes to the General Assembly Web site to increase  
5 constituent access to government resources and actions by disclosing committee votes,  
6 granting free access to all areas to the General Assembly Web site, and posting video  
7 and audio streaming of committee hearings online; and

8 WHEREAS, It is in Maryland's best interest to continue to build on and improve  
9 citizen engagement in all aspects of our government; and

10 WHEREAS, Maryland's overall rankings on government transparency by  
11 prominent national organizations continues to lag behind other states; and

12 WHEREAS, Advocates have expressed a desire and need for a body that can  
13 accept and consider ideas related to transparency and open government year-round;  
14 and

15 WHEREAS, Other states have created special committees and work groups to  
16 develop transparency policies and use technology to improve transparency and have  
17 reported increases in both citizen engagement and budget savings as a result of those  
18 efforts; and

19 WHEREAS, Transparency Web sites developed in other states have been  
20 proven to save states millions of dollars through more efficient government operations,  
21 fewer manual information requests, more competitive contracting bids, and the  
22 prevention of waste and abuse of public funds due to enhanced public scrutiny; and

23 WHEREAS, Maryland needs a central legislative body that can consider various  
24 policies and proposals regarding government transparency; and

25 WHEREAS, A joint committee on transparency and open government can  
26 develop policies and advise the General Assembly on implementing those policies and  
27 improving transparency while working with existing entities, programs, and  
28 resources; now, therefore,

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article – State Government**

32 **2-10A-14.**

33 **(A) THERE IS A JOINT COMMITTEE ON TRANSPARENCY AND OPEN**  
34 **GOVERNMENT.**

1           **(B) (1) THE COMMITTEE CONSISTS OF 12 MEMBERS.**

2                   **(2) OF THE 12 MEMBERS:**

3                           **(I) 6 SHALL BE MEMBERS OF THE SENATE OF MARYLAND,**  
4 **APPOINTED BY THE PRESIDENT OF THE SENATE; AND**

5                           **(II) 6 SHALL BE MEMBERS OF THE HOUSE OF DELEGATES,**  
6 **APPOINTED BY THE SPEAKER OF THE HOUSE.**

7           **(C) FROM AMONG THE MEMBERSHIP OF THE COMMITTEE, THE**  
8 **PRESIDENT OF THE SENATE SHALL APPOINT A SENATOR TO SERVE AS THE**  
9 **SENATE CHAIR OF THE COMMITTEE, AND THE SPEAKER OF THE HOUSE SHALL**  
10 **APPOINT A DELEGATE TO SERVE AS THE HOUSE CHAIR OF THE COMMITTEE.**

11           **(D) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE**  
12 **STAFF ASSISTANCE TO THE COMMITTEE.**

13           **(E) THE PURPOSES OF THE COMMITTEE ARE TO:**

14                   **(1) PROVIDE CONTINUING LEGISLATIVE OVERSIGHT REGARDING**  
15 **TRANSPARENCY AND OPEN GOVERNMENT; AND**

16                   **(2) MAKE RECOMMENDATIONS REGARDING INITIATIVES THAT**  
17 **WILL INCREASE CITIZEN ACCESS TO GOVERNMENT RESOURCES, PUBLICATIONS,**  
18 **AND ACTIONS.**

19           **(F) THE COMMITTEE SHALL HOLD:**

20                   **(1) AN ORGANIZATIONAL MEETING PROMPTLY AFTER THE**  
21 **APPOINTMENT OF ITS MEMBERS; AND**

22                   **(2) ANY OTHER MEETINGS THAT THE COMMITTEE CONSIDERS**  
23 **NECESSARY TO CARRY OUT ITS DUTIES EFFICIENTLY.**

24           **(G) THE COMMITTEE MAY:**

25                   **(1) HOLD A HEARING ON ANY MATTER RELATING TO THE**  
26 **FUNCTIONS OF THE COMMITTEE; AND**

27                   **(2) CONSIDER A VOTE ON A BILL OR RESOLUTION REFERRED TO**  
28 **IT BY THE PRESIDENT OR THE SPEAKER.**

1           **(H) THE COMMITTEE SHALL:**

2                   **(1) IDENTIFY AREAS IN WHICH THE STATE CAN IMPROVE ITS**  
3 **TECHNOLOGY AND WEB SITES TO INCREASE TRANSPARENCY AND CITIZEN**  
4 **ENGAGEMENT;**

5                   **(2) MAKE RECOMMENDATIONS REGARDING STATE**  
6 **TRANSPARENCY GOALS AND POLICIES;**

7                   **(3) CONSULT WITH STATE ENTITIES THAT FOSTER**  
8 **TRANSPARENCY, INCLUDING THE GOVERNOR'S STATE STAT OFFICE:**

9                           **(I) WHEN DEVELOPING STATE TRANSPARENCY GOALS AND**  
10 **POLICIES; AND**

11                           **(II) TO IDENTIFY METHODS OF COORDINATING**  
12 **TRANSPARENCY POLICIES ACROSS STATE GOVERNMENT;**

13                   **(4) REVIEW STATE LAWS, PROGRAMS, SERVICES, AND POLICIES**  
14 **AND MAKE RECOMMENDATIONS TO ALIGN THEM WITH STATE TRANSPARENCY**  
15 **POLICIES AND GOALS;**

16                   **(5) DETERMINE WHETHER THERE ARE INTERDEPARTMENTAL**  
17 **GAPS, INCONSISTENCIES, AND INEFFICIENCIES IN THE IMPLEMENTATION OR**  
18 **ATTAINMENT OF STATE TRANSPARENCY POLICIES AND GOALS;**

19                   **(6) IDENTIFY LAWS, PROGRAMS, SERVICES, OR BUDGETARY**  
20 **PRIORITIES THAT NEED TO BE ADOPTED TO ENSURE AND PROMOTE**  
21 **TRANSPARENCY AND OPEN GOVERNMENT IN THE STATE;**

22                   **(7) SURVEY TRANSPARENCY INITIATIVES IN OTHER STATES THAT**  
23 **HAVE PROVEN EFFECTIVE AT SAVING PUBLIC FUNDS AND RESOURCES AND**  
24 **ASSESS WHETHER THOSE POLICIES SHOULD BE MODIFIED AND ADOPTED FOR**  
25 **USE BY THE STATE;**

26                   **(8) SERVE AS AN INFORMATIONAL RESOURCE AND LIAISON FOR**  
27 **ADVOCATES AND CITIZENS WITH IDEAS AND SUGGESTIONS FOR TOOLS AND**  
28 **PRACTICAL IMPLEMENTATION OF INITIATIVES THAT WILL INCREASE**  
29 **TRANSPARENCY;**

1           **(9) REVIEW AND MAKE RECOMMENDATIONS REGARDING ACTIONS**  
2 **SUGGESTED BY ADVOCATES AND CITIZENS TO INCREASE CITIZEN ACCESS TO**  
3 **GOVERNMENT RESOURCES, PUBLICATIONS, AND ACTIONS;**

4           **(10) RECOMMEND METHODS OF INCREASING PUBLIC AWARENESS**  
5 **OF GOVERNMENT RESOURCES, PUBLICATIONS, AND WEB SITES; AND**

6           **(11) PERFORM ANY OTHER ACTIVITY THAT IS REQUIRED TO**  
7 **FULFILL THE PURPOSES OF THE COMMITTEE.**

8           **(I) (1) SUBJECT TO § 2-1246 OF THIS TITLE, THE COMMITTEE SHALL**  
9 **SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 1**  
10 **EACH YEAR.**

11           **(2) THE REPORT SHALL INCLUDE:**

12                   **(I) A DESCRIPTION OF THE WORK OF THE COMMITTEE; AND**

13                   **(II) ANY RECOMMENDATIONS OF THE COMMITTEE.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.